



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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January 22, 1997

Mr. Roland Middleton
Whatcom County
5280 Northwest Dr, Ste B
Bellingham WA 98226

Dear Mr. Middleton:

Thank you for the opportunity to comment on the draft environmental impact statement (DEIS) for the Gateway Pacific Terminal proposed by Pacific International Terminals (DEIS #960865). We have reviewed the document and have the following comments.

Permit Coordination Unit Comments:

We would like to acknowledge Pacific International Terminals' efforts in reducing the proposed wetland impacts from 23.1 acres to 5.86 acres.

The Fact Sheet should identify the need to obtain a Section 401 Water Quality Certification from the Department of Ecology and an Aquatic Use Authorization from the Department of Natural Resources.

The DEIS states that "During the herring spawning season of March through June, process stormwater may be stored in a series of lined ponds and diverted via pressurized pipes to existing and newly constructed wetlands." All known and reasonable technology (AKART) for any wastewater treatment system is continuous treatment not intermittent only during the herring spawning season as proposed. If the constructed wetlands can be used to infiltrate stormwater during the herring spawning season, it can and must be used to infiltrate stormwater all year.

Lined ponds by themselves may not be an adequate method of pretreating process stormwater prior to discharge into natural wetlands. We encourage detention ponds to be designed to function as vegetated, constructed wetlands in conjunction with other methods, thereby increasing the quality of the stormwater prior to discharging into natural or created/enhanced mitigation wetlands on-site.

The DEIS indicates that both covered and open storage would be provided. To the extent possible, materials with the potential to leach contaminants to waters of the state should be covered.

The DEIS indicates that one of the goals for mitigating lost wetland acreage is "to provide compensation for the loss of western red cedar trees important to the Lummi Indian Tribe's cultural heritage" but does not indicate how this will be accomplished.

The mitigation site should be developed in advance of filling wetlands on the project site. The entire wetland mitigation site (73.60 acres) and buffers should be designated as a Native Growth Protection Area and maintained as such, in perpetuity. This designation should be recorded as such on the property deed.



Roland Middleton
January 22, 1997
Page 2

Success of plantings in the wetland mitigation site should be defined as 80% coverage with native species, and less than 5% coverage with invasive species (i.e., reed canary grass) five years after revegetation. If there is a concern that floating logs will destroy vegetation planted at the mitigation site during times of inundation, the logs could be secured to protect vegetation.

The applicant should establish photo-monitoring points and include photographs of the mitigation site with the as-built report and annual monitoring reports.

The site plan shows a culvert inlet and outlet weir. Is this to control the seasonal stream or is hydrology flowing through the site by some other means?

The dimensions of the seasonally saturated "island" are not given. Our concern is that the island be of adequate size to prevent erosional loss of trees. It is not clear what the "celtic spirals" are made up of. Are they "islands" also, or just vegetation?

For questions regarding the comments from our Permit Coordination Team, please contact Ms. Vernice Santee at (360) 407-6926.

Water Quality Program Comments:

Section III-22 states: "Process wastewater and contaminated stormwater will be treated by an on-site collection and treatment system prior to discharging to the receiving environment. The process wastewater and contaminated stormwater treatment system will consist of: screening; flow equalization and gravity sedimentation basins; physiochemical treatment, including neutralization and pH adjustment, chemical precipitation, and coagulation and flocculation; and sludge removal and dewatering system."

The specific treatment for a process wastewater discharge is determined after an AKART analysis of the specific industrial discharge and the specific wastewater characteristics of that discharge are determined. This is done through an engineering report as outlined in Chapter 173-240 WAC. This must be submitted to and approved by the Department of Ecology prior to construction and at least 180 days prior to the proposed discharge.

Any industrial discharger that occupies space in the complex after completion must submit a wastewater discharge application to Ecology and obtain a wastewater discharge permit prior to commencing operations.

If the construction site is greater than 5 acres a general stormwater permit for construction activities is required.

Wind blown fugitive emissions of green coke from unloading activities at Texaco has been identified as contaminating Puget Sound. Page II-8 states Gateway will use environmentally sensitive equipment to provide protection from dust and spills. The contamination of water by fugitive emissions and

windblown discharge to Puget Sound is not AKART, which is required under an NPDES permit. The portion of the trestle over land must also be enclosed to prevent wind blown emissions from entering the water.

The contamination of Puget Sound can be minimized by the use of baghouses to collect fugitive emissions. Baghouse control is up to 99 percent efficient at controlling the emission of particulates, much better than the 50 percent or less achieved with the proposed spray bars. Baghouses have been successfully used at cement plants and secondary metals refining of aluminum, copper, and zinc. Controls are used for materials handling, eliminating the handling and discharge of spray bar wastewater, providing greater air pollution control and together with covering the storage piles may eliminate all process wastewater for the terminal. The applicant should be required to provide justification if they will not be using baghouses.

Further, if spray bars are used this is process water requiring an individual NPDES permit. The permit may conclude baghouses are AKART for control of conveyor belt dust control. AKART may also be determined to be coverage of all storage piles.

If all loading and unloading activities are covered, baghouses are used, the area is paved, and good housekeeping such as sweeping or vacuuming is maintained, contamination will be minimized in the discharges to the treatment system.

Sulfate reducing bacteria (SRB), molds, fungi, and yeast contamination of ballast water has reached almost unacceptable proportions according to "Microbial Attack on Ships and their Equipment" written by Richard Stuart of Lloyd's Register. More than 2.4 million gallons of ballast water arrive every hour in coastal waters of the United States, and with it hundreds to thousands of non-indigenous species into U.S. waters.

Reballasting at sea has been made compulsory in certain areas and voluntary in others. But the study says that random tests have shown that, many of the ships which claimed to have been cleaned are still contaminated. Plant and animal life is also being transported on board and discharged into areas where indigenous populations can be severely disrupted (Motor Ship, December 1993). AKART for ballast water is zero discharge to surface or ground water.

For questions on the comments made by our Water Quality Program, please contact Mr. John Drabek at (206) 649-7293.

Nooksack Watershed Project Team Comments:

General - The DEIS is inconsistent in its references to what site is being addressed - whether it is the approximately 180 acres planned for the upland terminal storage facilities and rail loop (pages I-2, 4) as phase one, or the entire 1,100 acres (page III-80). We understand that the county is attempting to provide a phased environmental review, however, the current evaluation does not clearly make the case for the "phases" nor does it consistently use "site" as the Phase I proposed development in the documentation. For instance, are the impacts of 8.2 million tons of total annual through-put (pages II-7&8, III-116) proposed for the terminal based on the 180 acre proposal or on a 1,100 acre buildout? The

pier and related impacts need to be based on the final 1,100 acre buildout. Are stormwater flows and capacity based on the larger or smaller acreage? How are infrastructure requirements e.g. roads, rail, utilities, etc. considered in the context of the larger site features such as wetlands (page III-30), habitat, and hydrology? For instance, does the mitigation for wetland and stormwater impacts only consider direct infrastructure development i.e. the rail line or does it consider the indirect impacts from the initial phase of the industrial development footprint e.g. lot runoff?

Page II-8 refers to the proponent's desire "to use the most environmentally sensitive equipment to provide protection to the environment from dust and spills." All conveyor and transfer systems within the shoreline jurisdiction should be completely enclosed to prevent spills and weather dispersed materials. Pier and Trestle - An option to locating the 22-foot wide conveyor system enclosure adjacent to the 50-foot wide pier by stacking the structures should be explored to lessen the overwater footprint (72 ft wide total). The maneuvering area required for the up to six barges that may be docking on the inner pier should be mapped, described, and addressed in the context of "prop wash" and other impacts, and consider other water surface uses.

The analysis on page III-12 regarding beach and coastal processes including currents, sediment transport, and wave sheltering appears to have been done based on an "empty" facility having no vessels moored. Realistically, three large ocean-going vessels and up to six large barges may be docked, and will essentially create a floating breakwater. This "worst case" scenario should also be analyzed for the same parameters as the "empty" scenario. Similarly, water quality impacts associated with incidental loading; from minor spills, routine bilge water discharge, introduction of foreign species, stormwater diffusion, etc.; needs to be re-evaluated in the context of the "new protected nearshore area", as applicable.

Page III-42 to 66, Significant Unavoidable Adverse Impacts - Marine Resources: the sub-lethal and cumulative impacts on seasonally sensitive juvenile and larval marine forms e.g. crab (page III-43 March-September), salmon, etc. besides herring (April-August) (page III-54) need to be recognized and mitigated for either by avoidance of discharge, or other means (Appendices).

Page III-46 Potential Increase in Risk of Petroleum Pollution Resulting From Project Vessel Traffic: again, it is not clear if the 180-acre proposal or the entire 1,100-acre site is being used as the basis for vessel trip generation. Assuming it is the latter, the short "historical" record does not yield a useful or realistic projection based on the project description (Appendices). A tidal current study including docking procedures for barges and a range of vessels and weather conditions, day and night, in the context of existing fishing and other marine activities needs to be completed to address this complex issue. A "worst case" scenario should be provided which describes a catastrophic oil or chemical tanker/freighter collision.

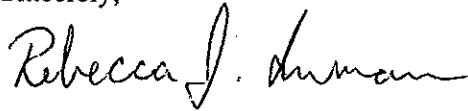
The top of the page III-68 mentions "ship fueling operations," however no further description is supplied.

Public access requirements (Pages III-69, 82, 83, 91, 93) for "phase 1" and the larger site need to be identified and planned simultaneously with the infrastructure. Impacts from the overwater structures on the public water body use and visual enjoyment need to be specifically addressed up front.

Roland Middleton
January 22, 1997
Page 5

For questions regarding any of the comments from our Nooksack Watershed Project Team, please call Mr. Barry Wenger at (360) 738-6245.

Sincerely,

A handwritten signature in cursive script, reading "Rebecca J. Inman".

Rebecca J. Inman
Environmental Review Section

RI:

EIS #968651

cc: John Drabek, NWRO
Lori LeVander, NWRO
Bob Newman, NWRO
Vernice Santee, CP
Janet Thompson, NWRO
Barry Wenger, Nooksack

